

ARKANSAS SUPREME COURT

No. 08-554

JAMES R. MUNSON
Appellant

v.

ARKANSAS DEPARTMENT OF
CORRECTION SEX OFFENDER
SCREENING AND RISK ASSESSMENT
Appellee

Opinion Delivered September 18, 2008

PRO SE MOTION FOR PHOTOCOPY
OF RECORD, FOR APPOINTMENT OF
COUNSEL AND FOR EXTENSION OF
TIME TO FILE APPELLANT’S BRIEF
[CIRCUIT COURT OF PULASKI
COUNTY, CV 2007-13276, HON.
WILLARD PROCTOR, JR., JUDGE]

MOTION TREATED AS MOTION FOR
ACCESS TO RECORD AND
GRANTED IN PART AND DENIED IN
PART.

PER CURIAM

Appellant James R. Munson was convicted of first-degree violation of a minor and this court affirmed the judgment. *Munson v. State*, 331 Ark. 41, 959 S.W.2d 391 (1998). Following his assessment by the Arkansas Department of Correction Sex Offender Screening and Risk Assessment Committee (“SOSRA”), appellant requested administrative review of the assessment. SOSRA officials and appellant exchanged correspondence, and appellant filed a petition for judicial review of his assessment. The Pulaski County Circuit Court dismissed the petition, and, on appeal, we dismissed without prejudice, holding that no final order had been issued by SOSRA. *Munson v. Ark. Dep’t of Corr. Sex Offender Screening & Risk Assessment*, 369 Ark. 290, ___ S.W.3d ___ (2007). Appellant again filed a petition requesting judicial review, after he had received notification from SOSRA of a final order on appellant’s assessment. The circuit court denied and dismissed the new

petition, and appellant has lodged an appeal of that order in this court.

Appellant has filed a motion in which he requests a photocopy of the record, seeks appointment of counsel and requests an extension of time in which to file his brief. Appellant complains that the record was sent directly from the circuit clerk to this court and asserts that the record is necessary for him to prepare an abstract. He alleges that his appeal has merit and that we should therefore appoint counsel to represent him on appeal.

An appellant must abstract or include in the addendum of the brief those portions of the record pertinent to the appeal. Ark. Sup. Ct. R. 4-2. While we will not provide appellant a copy of the record as he requests, because the record is essential to preparation of the brief, we will provide access to the record. Our clerk is directed to provide appellant with a copy of the record so that he may prepare his brief. The copy of the record must be returned to this court when appellant's brief is tendered or the brief will not be filed.

As for appellant's request for counsel, we note that this appeal concerns a civil matter. Indigent civil litigants do not have an absolute right to appointed counsel. *Mixon v. State*, 318 Ark. 762, 887 S.W.2d 307 (1994) (per curiam). However, when an appellant makes a substantial showing that he is entitled to relief in an appeal and that he cannot proceed without counsel, we will appoint counsel. *See Howard v. Lockhart*, 300 Ark. 144, 777 S.W.2d 223 (1989) (per curiam). Appellant failed to make such a showing in his motion.

Appellant contends that his appeal will have a broad impact, that he has not been able to obtain all relevant documents, and that he has inadequate access to legal research materials. He points to exhibits that he contends support a SOSRA assessment of level I, rather than level III, and an admission by the prosecuting attorney at his trial that certain evidence used in the assessment was

false and should not have been admitted.

The exhibits appellant references, however, do not support appellant's allegations so as to make a substantial showing that he is entitled to relief. The exhibits do indicate appellant's apparent scores on certain assessment tools, but he has not shown that SOSRA is limited by those scores in his case. The exhibit he references in support of his claim of prosecutorial misconduct simply does not contain statements that support his claim. As to his access to resources, we note that prison inmates file pleadings with adequate research in this court on a regular basis, despite similar limitations. Appellant has not made a substantial showing that he cannot proceed without counsel or that he is entitled to relief, and we accordingly deny his request for counsel.

Appellant's request for an extension of time, which is the first such request by appellant in this appeal, is granted. Appellant's brief is due here no later than forty days from the date of this opinion.

Motion treated as motion for access to record and granted in part and denied in part.

Glaze, J., not participating.